

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

NO. C08-0738RSM

V.

REAL PROPERTY LOCATED AT 7017
ENTERPRISE RD., FERNDALE,
WASHINGTON, FURTHER DESCRIBED
AS WHATCOM COUNTY PARCEL
NUMBER 3902051581600000, INCLUDING
A MOBILE HOME, 70 FRONTIER
S#GS2372 60X24, WITH ADDITION
CURRENTLY LOCATED ON REAL
PROPERTY AT 7017 ENTERPRISE ROAD,
FERNDALE, WASHINGTON, FURTHER
DESCRIBED AS WHATCOM COUNTY
PARCEL NUMBER 3902051581600002;
TOGETHER WITH ITS BUILDINGS,
IMPROVEMENTS, APPURTENANCES,
FIXTURES, ATTACHMENTS, AND
EASEMENTS,

DEFAULT JUDGMENT OF FORFEITURE

Defendant,

Plaintiff, United States of America, filed its Verified Complaint for Forfeiture

In Rem of the real property commonly known as 7017 Enterprise Road, Ferndale, Washington, described as a 10-acre parcel with improvements, Whatcom County Parcel Numbers 390205 15816 00000 and 390205 15816 00002, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements on May 12, 2008,

1 pursuant to Title 21, United States Code, Section 881(a)(7), for violations of Title 21,
2 United States Code, Section 841(a), 841(b)(1)(A), and 846.

3 Notice of the forfeiture action was published in both The Daily Journal of
4 Commerce and the Bellingham Herald on May 23, 2008, May 30, 2008 and June 6, 2008.
5 All interested persons were advised to file their claims pursuant to Supplemental Rule
6 G(5) of the Federal Rules of Civil Procedure with the Clerk of the Court within thirty
7 (30) days after the date of publication and to serve their Answers to the Complaint within
8 twenty (20) days after filing a claim.

9 Notice of the forfeiture action was also available on the www.forfeiture.gov
10 website for at least 18 hours per day between May 15, 2008 and June 14, 2008. All
11 interested persons were advised to file their claims pursuant to Supplemental Rule G(5)
12 of the Federal Rules of Civil Procedure with the Clerk of the Court within sixty (60) days
13 after the first date of publication and to serve their Answers to the Complaint within
14 twenty (20) days after filing a claim.

15 On June 17, 2008, personal service was effected on Luisa Nava and Miguel Nava¹,
16 through Luisa Nava, wife of Miguel Nava, accepting service on both of their behalf, at
17 216 E. Section Street, Mt. Vernon, Washington. Luisa Nava was served with copies of
18 the Verified Complaint for Forfeiture In Rem; Notice of Complaint In Rem; and Warrant
19 of Arrest In Rem for both her and her husband. The returns of service were filed with the
20 Court on June 20, 2008. On June 23, 2008, attorney Antonio Salazar filed a Notice of
21 Appearance on behalf of both Miguel and Luisa Nava. Neither filed a claim or statement
22 of interest in this case.

23 On July 7, 2008, personal service was effected upon Fernando Virgen Nava, Angel
24 Nava, and San Juanita Nava² through Fernando and San Juanita Nava's daughter and

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26 ¹ According to current title documents, Miguel and Luisa Nava are the owners of record
27 for the Real Property located at 7017 Enterprise Rd., Ferndale, WA, further described as Whatcom
County Parcel Number 3902051581600000.

28 ² According to current Whatcom County Assessor Records, San Juanita Nava, wife of
Fernando Virgen Nava, is the titled owner of record for the Mobile Home with Whatcom County

1 Angel Nava's sister, Candy Gonzalez, who accepted service on all of their behalf, at 7017
2 Enterprise Rd., Ferndale, Washington. Further, although Fernando Virgen Nava is not
3 the owner of record on title, he is believed to have an interest in the property. However,
4 he is a fugitive charged in a criminal case in this district, CR08-0033JLR. Candy
5 Gonzalez was served with copies of the Verified Complaint for Forfeiture In Rem; Notice
6 of Complaint In Rem; and Warrant of Arrest In Rem for each individual. See docket #11,
7 #12, and #13.

8 Notice of the forfeiture action was published in both The Daily Journal of
9 Commerce and the Bellingham Herald on May 23, 2008, May 30, 2008 and June 6, 2008.
10 See docket #4 and #14. All interested persons were advised to file their claims pursuant
11 to Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
12 Court within thirty (30) days after the date of publication and to serve their Answers to
13 the Complaint within twenty (20) days after filing a claim.

14 Notice of the forfeiture action was also available on the www.forfeiture.gov
15 website for at least 18 hours per day between May 15, 2008 and June 14, 2008. See
16 docket #10. All interested persons were advised to file their claims pursuant to
17 Supplemental Rule G(5) of the Federal Rules of Civil Procedure with the Clerk of the
18 Court within sixty (60) days after the first date of publication and to serve their Answers
19 to the Complaint within twenty (20) days after filing a claim.

20 More than thirty (30) days have elapsed since Miguel Nava, Luisa Nava,
21 Fernando Virgen Nava, San Juanita Nava, and Angel Nava were served with the
22 Complaint and related documents, more than thirty (30) days have passed since notice of
23 the forfeiture action was published in the Daily Journal of Commerce and the Bellingham
24 Herald and more than sixty (60) days have passed since the notice of the forfeiture action
25 was first published on the www.forfeiture.gov website. No claim to the above captioned
26 defendant real property and no answer to the complaint has been filed by Miguel Nava,

27
28 Parcel Number 39020515081600002, currently located on the real property at 7017 Enterprise Rd.,
Ferndale, WA.

1 Luisa Nava, Fernando Virgen Nava, San Juanita Nava, Angel Nava, or any other person.
2 No other parties have filed claims and the time allowed for filing of such claims has
3 expired.

4 On September 15, 2008, on application of the United States, the Clerk of the Court
5 entered an Order of Default as to the defendant real property against Fernando Virgen
6 Nava, San Juanita Nava, Angel Nava, and any unknown persons who failed to file a
7 claim.

8 On September 15, 2008, the United States filed a Notice for Entry of Default
9 Judgement of Forfeiture as to Defendant Real Property to provide Miguel Nava, Luisa
10 Nava and their counsel, Antonio Salazar, notice that the United States was moving for
11 Entry of Default and of the United States' intent to file a motion for Default Judgment of
12 Forfeiture as to the defendant real property. No opposition was filed, and default was
13 entered by the Clerk on October 7, 2008.

14 Now, therefore, on motion of the Plaintiff, the United States of America, for a
15 Default Judgment of Forfeiture, it is hereby

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ORDERED, ADJUDGED and DECREED as follows:

1. This Court has jurisdiction over this action under Title 28, United States Code, Sections 1345 and 1335 and venue pursuant to Title 28, United States Code, Section 1335.

2. The defendant real property is hereby forfeited to the United States of America, and no right, title or interest in the above-described defendant real property shall exist in any other party.

3. The United States Marshals Service shall dispose of the above-described currency in accordance with law.

4. The Clerk of the Court shall deliver six (6) "raised seal," certified copies of the Default Judgment of Forfeiture to the United States Marshals Service in Seattle, Washington.

DATED this 20th day of November, 2008.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Richard E. Cohen
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